



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

"To Enrich Lives Through Effective And Caring Service"

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

November 24, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

19 November 24, 2015


PATRICK OGAWA
ACTING EXECUTIVE OFFICER

Dear Supervisors:

APPROVE LOCAL WORKER HIRING PROGRAM FOR VETERANS ALL DISTRICTS (3 VOTES)

SUBJECT

This action is to approve policy recommendations for a Local Worker Hiring Program for Veterans of the County of Los Angeles.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the recommended approval of the Local Worker Hiring Program for Veterans Policy does not constitute a project under Section 15378(b) of the California Environmental Quality Act because it is an organizational or administrative activity of government, and/or a government fiscal activity that will not result in direct or indirect physical changes in the environment, and which does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment;
2. Approve the Local Worker Hiring Program for Veterans Policy, including a target percentage of 5 percent of the California work hours to be performed by qualified veterans, who are residents of the County of Los Angeles;
3. Authorize the Chief Executive Officer to implement the necessary administrative processes, procedures, and guidelines to implement the Policy; and
4. Find that this Local Worker Hiring Program for Veterans Policy furthers a legitimate public interest for the reasons stated in this letter.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Background

On May 13, 2014, the Board approved a motion (Agenda Item No. 2) establishing a Local Worker Hiring Program for Veterans (Program) of the United States Armed Forces who are residents of the County of Los Angeles (County). The motion directed a number of key factors governing the Local Worker Hiring Program for Veterans Policy (Policy), including that the Policy would apply to new construction projects with a value greater than \$2,500,000, and that the Policy would require contractors to demonstrate a good faith effort to have a certain percentage of the project's construction hours performed by qualified County residents who are veterans. The motion further directed that:

1. The Chief Executive Officer in consultation with the Director of Military and Veterans Affairs, the Director of Public Works, and the County Veterans Advisory Commission provide a recommendation of the target percentage of work hours to be performed by veterans, and that this recommendation be provided to the Board for approval;
2. The Chief Executive Officer in consultation with the Director of Public Works and County Counsel develop additional administrative processes, procedures, rules, guidelines, and solicitation and contract language; and
3. The Chief Executive Officer in consultation with the Director of Public Works and County Counsel take all additional actions necessary to fully implement the Program for veterans, subject to Board approval.

Since that time, the Chief Executive Office, the Departments of Military and Veterans Affairs, Public Works, and County Counsel have worked together and with numerous stakeholders to develop a recommended target percentage, and a recommended Policy to act as an implementation guideline for the Chief Executive Officer's further implementation of administrative processes, procedures, rules, and solicitation and contract language. Through this process, we have met with representatives of construction contractors associations, organized labor, the State of California, America's Job Centers of California, and the Department of Community and Senior Services. We have worked to develop a program that is easily accessible for job seekers and employers, and is streamlined for simple administration. The Program links to existing programs/resources for veterans to access training and assist them with seeking work, and therefore is likely to produce a positive outcome.

Policy

Consistent with the Board's motion, the proposed Policy excludes from the calculation of the goal percentage any construction labor performed by workers residing in states other than California. In addition, the Policy would not be applicable to any project that includes federal funding, or any other source of funding, which restricts such programs. The Policy requires each County agency that administers a construction contract, covered by this policy, to publish veteran hiring data monthly on that agency's website.

The proposed Policy for the Program (Attachment A) includes the following key elements:

- Contractors shall demonstrate a good faith effort to ensure that a minimum goal of 5 percent of the construction labor hours be performed by qualified veterans who reside within Los Angeles County;
- Consistent with federal criteria under the Workforce Innovation and Opportunity Act (WIOA), formerly known as the Workforce Investment Act, "veteran" is defined as an individual who has received an honorable discharge, a general discharge, or retired from any branch of armed forces as evidenced by a Certificate of Release or Discharge from Active Duty (DD 214);
- Program is aligned with the WIOA, to allow the provision of services by WIOA funded agencies for job intake processing;
- Consistent with federal criteria under the WIOA, the spouse of a veteran meeting certain criteria specified in Section 2(a) of the Jobs for Veterans Act (38 U.S.C.4215[a]), is also considered to be a "veteran" under this Policy;
- If a given construction contract contains both the Program and any other local worker hiring requirement, first priority shall be given to satisfying the Program goal;
- For the purpose of this Policy, "new construction projects" shall be defined as:
 - 1) Only projects for which the construction contract has not advertised for bids up to one month following the approval of this Policy;
 - 2) Projects including new construction and/or renovation where the contract value is at least \$2.5 million, and;
 - 3) Includes design-bid-build, design-build, and construction manager at-risk contracts.
- Because there is an existing local worker hiring program specific to job order contracts, job order contracts would be excluded from this Policy;
- This would apply to County projects, including both building construction and infrastructure projects managed by any County department, special district, commission, or authority for which the Board of Supervisors is the governing body; and
- The hiring goal shall be reviewed annually, and changed upon the recommendation of the Chief Executive Office and approval of the Board.

On August 13, 2014, November 12, 2014, and January 14, 2015, the draft Policy was reviewed with the County Veterans Advisory Commission.

The Board's May 13, 2014 motion directed that the Program be limited to only veterans who reside within the County. This limitation is consistent with the Board's action in December 2009, designating the County as an economic recovery area. It is also consistent with the local worker hiring program adopted by the Board in October 2010 that was limited to residents of the County.

Good Faith Effort

The Chief Executive Office, Military and Veterans Affairs, Public Works, and County Counsel have developed initial guidelines for the implementation of this Policy. In order to meet the objectives of making this a Program that is easily accessible, cost-effective, and utilizes existing resources wherever practical, these guidelines will continue to be refined and developed over time to continue to create additional linkages between this Program, and other programs that seek to enhance hiring opportunities for veterans. The good faith effort criteria provides multiple means, by which to achieve compliance in recognition of the different hiring processes followed by union, and nonunion contractors.

At a minimum, contractors working on projects subject to this Policy shall demonstrate a good faith effort, including such things as:

- Contractor shall attend any meetings scheduled by the County to inform all bidders of the Program requirements for the project.
- Contractor shall inform subcontractors of all tiers of the established goal and encourage participation in outreach.
- Contractor shall register and require subcontractors to register potential job opportunities with a minimum of one approved veteran job placement organization resource of their choosing.
- When requesting dispatch from a Veteran Community Service Provider, or union hiring hall, contractors should request candidates who are veterans and meet the residency requirements, and shall provide documentation of this request.
- Contractor shall retain records of hiring decisions.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Community Support and Responsiveness (Goal 2), including Strategic Initiative 2 (Job Creation Efforts); and Integrated Services Delivery (Goal 3) to maximize opportunities to measurably improve client and community outcomes, and leverage resources through the continuous integration of services.

FISCAL IMPACT/FINANCING

There are no new costs, or financing needs associated with this recommendation. During the preparation of this Policy, industry input was solicited and we believe that the administrative cost of implementing this Policy will be nominal.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Program is modeled after the local worker hiring program approved by the Board on October 19, 2010. It is also similar to programs already in place with other local agencies.

The Program is not intended to discriminate or give preference to any particular group based on race, color, gender, sexual orientation, age, or disability. The definition of "veteran" as used in this Policy, as well as the inclusion of spouses meeting certain eligibility requirements, is consistent with the Federal Jobs for Veterans Act and the WIOA. Maintaining this consistency will facilitate the

process of placing qualified candidates through existing America's Job Centers of California operated under the oversight of Community and Senior Services.

The Program serves a legitimate governmental purpose, and public policy goal of the County, aimed at enhancing opportunities for local County residents who served in the United States Armed Forces, active, guard, or reserve to be hired as construction workers on County projects that are subject to the Program.

ENVIRONMENTAL DOCUMENTATION

The Program does not constitute a project under Section 15378(b) of the California Environmental Quality Act (CEQA), because it is an organizational or administrative activity of government, and/or a government fiscal activity that will not result in direct or indirect physical changes in the environment, and which does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. Individual projects, as defined under CEQA, subject to the Program, will be required to include the impacts of the inclusion of the Program in applicable environmental documentation prepared for the project, which will be considered by the Board along with project approval recommendations, as appropriate, prior to project implementation.

CONTRACTING PROCESS

Following approval by the Board, the Policy will be used by the Chief Executive Officer to implement administrative processes, procedures, rules, and solicitation and contract language to be used in all applicable future contract solicitations.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects. Any contract that has advertised for bids up to one month, following approval of this policy, will be excluded.

CONCLUSION

Please return one adopted copy of this letter to the Chief Executive Office, Capital Programs Division; and the Department of Public Works, Project Management Division I.

The Honorable Board of Supervisors

11/24/2015

Page 6

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sachi A. Hamai". The signature is fluid and cursive, with a long horizontal stroke at the end.

SACHI A. HAMAI

Chief Executive Officer

SAH:JJ:TT:BMB

DPH:rp

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Community and Senior Services
Military and Veterans Affairs
Public Works

November 24, 2015

ATTACHMENT A

**CHIEF EXECUTIVE OFFICE:
APPROVE LOCAL WORKER HIRING PROGRAM FOR VETERANS**

LOCAL WORKER HIRING PROGRAM OF VETERANS POLICY

(See Attachment)



LOS ANGELES COUNTY BOARD OF SUPERVISORS POLICY MANUAL

| Policy #: | Title | Effective Date: | Page: |
|-----------|--|-----------------|--------|
| X.XXX | Local Worker Hiring Program for Veterans | XX/XX/XXX | 1 of 2 |

PURPOSE

Establish a Local Worker Hiring Program to enhance employment opportunities through construction contracts undertaken by the County of Los Angeles for County residents who are veterans of the United States Armed Forces.

REFERENCE

May 13, 2014 Board Order

POLICY

The Local Worker Hiring Program for Veterans shall apply to only Capital construction projects with an estimated contract value greater than \$2,500,000, and infrastructure construction projects with an estimated contract value greater than \$2,500,000. The Policy shall apply to design-build projects, design-bid-build projects, and construction manager at-risk projects. The contractor shall demonstrate a good faith effort to employ qualified veterans who reside in the County of Los Angeles to complete a minimum of 5-percent of the total California construction hours worked under the County of Los Angeles contract. For the purposes of this policy, a veteran is defined as found in 38 U.S.C.101(2), and also includes an eligible spouse of a veteran as defined in Section 2(a) of the JVA (38 U.S.C. 4215[a][1][B]). In order to qualify under this Policy, a veteran, including a veteran whose eligible spouse is seeking employment, must have received an honorable discharge or a general discharge, or retired from any branch of armed services.

The Policy shall apply to construction contracts managed by any County Department, commission, authority, or special district of which the Board of Supervisors is the governing body. The Policy does not cover contracts, which are wholly or partially federally funded, or any other source of funding which restricts such programs. In the event that provisions of the Policy are found to conflict with provisions of any other local hiring goals that may exist in an individual contract, the provisions of the Policy shall take precedence.

Each Department, commission, authority, or special district administering a construction contract that is covered by the Policy shall, on a monthly basis, post on that agency's web site data documenting the veteran participation on the contract as will be defined in the program guidelines.

The Chief Executive Office shall develop and maintain guidelines to further define and administer this Program.



LOS ANGELES COUNTY BOARD OF SUPERVISORS POLICY MANUAL

| Policy #: | Title | Effective Date: | Page: |
|-----------|--|-----------------|--------|
| X.XXX | Local Worker Hiring Program for Veterans | XX/XX/XXX | 2 of 2 |

RESPONSIBLE DEPARTMENT

Chief Executive Office

DATE ISSUED/SUNSET DATE

Issue Date: Month X, 20XX

Sunset Date: Month X, 20XX